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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES LEIGHTY,

Plaintiff,

v.

SPOKANE COUNTY, a municipal  
corporation; SHERIFF JOHN NOWELS,  
an individual; and SPOKANE COUNTY  
SHERIFF'S OFFICE, a subdivision of a  
municipal corporation,

Defendants.

No. 2:24-cv-00165-TOR

PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION

NOTED: JUNE 24, 2024

*WITHOUT ORAL ARGUMENT*

**I. INTRODUCTION AND RELIEF REQUESTED**

The Spokane County Sheriff's Office maintains an official government Facebook page, which is an important public forum for speech by, to, and about the Office. This case arises out of unlawful actions by the Spokane County Sheriff's Office to silence Plaintiff Jim Leighty's legitimate criticism in this forum.

In 2017, Plaintiff Jim Leighty's close friend was shot and killed by a police

1 officer conducting a home wellness check. The death of his close friend motivated  
2 Mr. Leighty to become an advocate for police accountability and reform. As part of  
3 this advocacy, Mr. Leighty writes comments in response to Facebook posts by the  
4 Spokane County Sheriff's Office (SCSO). Mr. Leighty's comments criticize or  
5 question the Sheriff's Office. SCSO has removed many of Mr. Leighty's comments  
6 from public view without offering any rationale, while allowing comments by other  
7 users that express support or neutrality towards law enforcement to remain publicly  
8 viewable, and sometimes endorsing those comments by "liking" them.

9 Plaintiff Jim Leighty respectfully moves this Court for a preliminary  
10 injunction requiring the SCSO to return his hidden comments to public view and  
11 enjoining them from removing his comments in the future.

## 12 **II. FACTUAL BACKGROUND**

### 13 **A. The SCSO operates an official government Facebook page.**

14 The Spokane County Sheriff's Office has a Facebook page entitled "Spokane  
15 County Sheriff's Office." Rothman Dec., at ¶2. The page is labeled as a "Law  
16 Enforcement Agency" and lists the Office's official website, phone number, email  
17 address, and physical address. *Id.* Defendants or their agents manage the SCSO  
18 Facebook page at their discretion.

19 The SCSO Facebook page is viewable to any Facebook user, and any user can  
20 "follow" the page. When a Facebook user "follows" the Facebook page, they  
21 effectively subscribe to "posts" written and published by the SCSO. *Id.*, at ¶5.

22 Only SCSO can "post" to its Facebook page. However, any Facebook user  
23 may interact with SCSO's posts in a number of ways, including commenting on the

1 post directly, replying to a comment posted by another user, or apply an emoticon  
2 reaction to a comment posted by another user. *Id.*, at ¶6.

3 **B. SCSO Implemented a Content-Based Policy Restricting Speech.**

4 The SCSO Facebook page links to its “Limited Public Forum Policy,” which  
5 is a document titled “Spokane County Sheriff’s Office Social Media Disclaimer.”  
6 *Id.*, at ¶3. The disclaimer states: “The purpose of the Spokane County Sheriff’s  
7 Office’s participation in social media is to enhance communication, collaboration,  
8 information exchange, and transparency, streamline processes, and foster  
9 productivity.” *Id.*, Ex. 1. Regarding comments, in relevant part, it states “SCSO  
10 reserves its right to delete postings that are inconsistent with the policies in this  
11 disclaimer,” listing *including, but not limited to*, comments that contain the  
12 following prohibited words, text, or information,” then identifying 11 categories of  
13 prohibited speech and expression. *Id.* (emphasis added). The disclaimer further  
14 reserves SCSO’s right “to block users and/or delete comments that are inconsistent  
15 with this disclaimer.” *Id.* This policy on its face identifies some content that SCSO  
16 allows and other content that it may choose to remove from public view.

17 **C. Plaintiff Jim Leighty Interacts with Government Entities on Social**  
18 **Media.**

19 Mr. Leighty is a U.S. Army veteran and police accountability activist who  
20 lives in Spokane, Washington. Mr. Leighty began activism work after his close  
21 friend was killed by law enforcement. Leighty Dec., at ¶2-3. Mr. Leighty finds social  
22 media to be an effective way to make his individual voice heard. *Id.* Mr. Leighty  
23 follows and engages with several local law enforcement agencies on Facebook,

1 including the Spokane County Sheriff's Office, seeking to raise awareness about  
2 matters of public concern within agencies and to promote greater public  
3 understanding and transparency about these matters. *Id.*, at ¶4.

4 **D. Defendants Hide Comments That Criticize the SCSO.**

5 In March 2021, Mr. Leighty commented on two SCSO posts. One post  
6 announced a lateral hire; Mr. Leighty criticized SCSO's decision to hire the  
7 candidate, given her involvement in a fatal shooting of a man in nearby Cheney,  
8 Washington. *Id.*, at ¶5. The second post announced that no charges would be filed  
9 against a SCSO deputy who fatally shot an elderly woman experiencing a mental  
10 health crisis; Mr. Leighty questioned the deputy's tactics and mourned the loss of  
11 life. *Id.*, at ¶6. SCSO "hid" both comments without providing any explanation or  
12 justification for doing so. *Id.*, at ¶5-6. Comments by other Facebook users which  
13 express support for SCSO remain publicly viewable. *Id.* SCSO has "liked" many of  
14 these comments. Rothman Dec. ¶9.

15 Plaintiff then emailed then-SCSO Sheriff Ozzie Knezovich, stating that SCSO  
16 had been "censoring [his] comments on Facebook that [it] find[s] critical of the  
17 Sheriff's Office." Leighty Dec., at ¶7, Ex. #5. SCSO never responded. *Id.*

18 On October 19, 2023, SCSO announced the details of an investigation and  
19 arrest on its Facebook page. *Id.*, at ¶8. Plaintiff commented on SCSO's post,  
20 questioning the adequacy of the investigation given the speed of the arrest, and  
21 referenced a well-known incident of misconduct by an SCSO officer. *Id.* Plaintiff  
22 viewed the post while logged out of his account and saw that SCSO had "hidden"  
23 his comment. *Id.* Those expressing support for SCSO remained viewable, and SCSO

1 “liked” some of those supportive comments. Rothman Dec. ¶10, Exs. 4, 5.

2 On October 26, 2023, SCSO announced a drug bust on its Facebook page.  
3 Plaintiff commented on the post, questioning the integrity of the investigation given  
4 how quickly SCSO made the arrest. Leighty Dec. at ¶10. Plaintiff viewed the post  
5 while logged out of his personal account and saw SCSO had “hidden” his comment,  
6 again. *Id.* SCSO did not hide comments that supported its actions, and “liked” two  
7 of them. Rothman Dec. ¶11, Exs. 6, 7.

8 On February 21, 2024, SCSO announced on its Facebook page an internal  
9 investigation into a deputy for misconduct occurring during an arrest, only after a  
10 municipal investigation recommended felony assault charges for the deputy. Leighty  
11 Dec. at ¶11. Plaintiff commented on the post, criticizing the delay in the internal  
12 investigation and SCSO’s culture. *Id.* When Plaintiff viewed the post while logged  
13 out of his personal account, he saw that SCSO had again hidden his comment, but  
14 allowed other public comments to remain visible. *Id.*

15 On March 20, 2024, SCSO announced on Facebook an investigation into a  
16 civilian shooting, provided information about the shooting, and subsequently, an  
17 arrest. *Id.* at ¶12. Plaintiff commented on the post, questioning the speed of SCSO’s  
18 announcement in contrast to the many months SCSO waited before providing  
19 information about deputy-involved shootings. *Id.* When Plaintiff logged out and  
20 viewed the post, he saw that SCSO had “hidden” his comment. *Id.* SCSO did not  
21 hide other comments that complimented SCSO, and “liked” many of those  
22 comments. Rothman Dec. ¶ 12, Exs. 8, 9.

23 On May 8, 2024, SCSO announced the conviction and sentence of an

individual arrested for murder. Plaintiff commented on the post, asking when an SCSO deputy who had attacked an elderly man during an arrest would be charged. Leighty Dec. ¶13. Plaintiff later replied to another comment, expressing sympathy for the murder victim's family and explaining that he wished SCSO would treat violence committed by their deputies as seriously as it treated violence committed by civilians. *Id.* When Plaintiff logged out of his account, he saw that SCSO had "hidden" his comments, but allowed other public comments that complimented SCSO to remain visible and "liked" some of them. *Id.*, Rothman Dec. ¶13, Exs. 10, 11. SCSO also allowed public comments wishing violence or death on others to remain visible. *Id.*, at ¶13.

### III. ARGUMENT

Policies or actions that target speech based on its communicative content are content-based restrictions and must satisfy heightened scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). As such, here, Defendants must show that their censorship is "necessary to serve a compelling government interest and that it is narrowly drawn to achieve that end." *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983). Any restraint on free speech that is viewpoint discriminatory is presumptively unconstitutional. *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 469-70 (2009). Suppression of protected speech, even for brief periods of time, constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Cuvillo v. City of Vallejo*, 944 F.3d 816, 833 (9th Cir. 2019) ("Where ... First Amendment rights are being chilled daily, the need for immediate injunctive relief without further delay is ... a direct corollary of the matter's great

1 importance.”).

2 Here, the Spokane County Sheriff’s Office has policies that expressly regulate  
3 speech on its Facebook page. These policies claim unfettered discretion by  
4 Defendants to exclude individuals from a public forum based on the viewpoints  
5 expressed in their speech, and to approve or disapprove of free speech. In this case,  
6 it is not even clear what policy SCSO is using to censor Mr. Leighty’s speech.

7 Plaintiff Jim Leighty has suffered and continues to suffer harm of  
8 constitutional magnitude. Such harm is irreparable, and Mr. Leighty has no adequate  
9 remedy at law. He therefore seeks an order enjoining the Sheriff’s Office from  
10 enforcing its censorship policy. Because the application of the policy targets the  
11 speakers’ viewpoint, i.e., their criticisms of the Office, its implementation  
12 presumptively violates the First Amendment and Mr. Leighty further seeks a  
13 declaration that Defendants’ policy is unconstitutional.

14 **A. Preliminary Injunction Standard.**

15 When asked to grant a preliminary injunction where the public interest is at  
16 stake, a court must consider whether: (1) the plaintiff is likely to succeed on the  
17 merits, (2) the plaintiff is likely to suffer irreparable harm in the absence of  
18 preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction  
19 is in the public interest. Fed. R. Civ. P. 65(a); *Winter v. Nat’l Res. Def Council, Inc.*,  
20 555 U.S. 7, 20 (2008). Courts in this circuit weigh these factors on a “sliding scale,  
21 such that where there are only ‘serious questions going to the merits’—that is, less  
22 than a ‘likelihood of success’ on the merits—a preliminary injunction may still issue  
23 so long as ‘the balance of hardships tips sharply in the plaintiff’s favor’ and the other



two factors are satisfied.” *Short v. Brown*, 893 F.3d 671, 675 (9th Cir. 2018) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013) (internal citation omitted).

**B. Plaintiff is likely to succeed on his First Amendment claim.**

To show a First Amendment violation, Plaintiff first must establish that he engaged in “protected speech.” *Cornelius v. NAACP Legal Defense and Educational Fund, Inc.*, 473 U.S. 788, 797 (1985). The burden then shifts to the Defendants to justify their restrictions on that speech. Where, as here, the speech takes place in a “public forum,” content-based restrictions are subject to heightened scrutiny, and Defendants must show that their restrictions are “necessary to serve a compelling government interest and that it is narrowly drawn to achieve that end.” *Perry*, 460 U.S. at 45 (1983) (citing *Carey v. Brown*, 447, 461 (1980)). Even more pernicious is viewpoint discrimination, which is prohibited in all public forums and cannot be justified. *Pleasant Grove*, 555 U.S. at 469-70 (viewpoint discrimination prohibited in all public forums).

1. Plaintiff’s comments are protected by the First Amendment.

The First Amendment’s protection is broad, and “permit[s] restrictions on speech “in a few limited areas.” *United States v. Stevens*, 559 U.S. 460, 468 (2010) (“obscenity,” “defamation,” “fraud,” “incitement,” and “speech integral to criminal conduct” are “well-defined and narrowly limited classes of speech” which the Constitution permits preventing and punishing). Indeed, “the First Amendment reflects a ‘profound national commitment’ to the principle that ‘debate on public issues should be uninhibited, robust, and wide-open.’” *Boos v. Barry*, 485 U.S. 312,



1 318 (1988) (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)).  
2 And social media “provide perhaps the most powerful mechanisms available to a  
3 private citizen to make his or her own voice heard.” *Packingham v. North Carolina*,  
4 582 U.S. 98, 107 (2017).

5 Mr. Leighty’s comments on SCSO Facebook posts provoked public  
6 discussion about the actions of a public law enforcement agency. This is protected  
7 speech, “fall[ing] within the broad category of public debate on matters of local  
8 importance ... protected under the First Amendment.” *Kimsey v. City of Sammamish*,  
9 574 F. Supp. 3d 911, 918 (W.D. Wash. 2021) (concluding that Plaintiffs’ comments  
10 on the City’s Facebook page constituted protected speech).

11 2. The SCSO Facebook page is a designated public forum.

12 “[A] government entity may create ‘a designated public forum’ if government  
13 property that has not traditionally been regarded as a public forum is intentionally  
14 opened up for that purpose.” *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460,  
15 469 (2009) (citing *Cornelius*, 473 U.S. at 800 (1985)). Government restrictions on  
16 speech in a designated public forum must be “narrowly drawn to achieve a  
17 compelling state interest.” *Int’l Soc. for Krishna Consciousness, Inc. v. Lee*, 505 U.S.  
18 672, 678 (1992).

19 SCSO has labeled its Facebook page a “limited” public forum rather than a  
20 designated public forum. But such a self-serving declaration carries little weight.  
21 Courts use three factors determine whether a government has intended to create a  
22 designated public forum. First, “[i]f the government requires speakers seeking access  
23 to obtain permission, under pre-established guidelines that impose speaker-based or

1 subject-matter limitations, the government generally intends to create a limited,  
2 rather than a designated, public forum.” *Seattle Mideast Awareness Campaign v.*  
3 *King County*, 781 F.3d 489, 497 (9th Cir. 2015). Second, courts examine “how that  
4 policy has been implemented in practice” meaning whether or not the guidelines “are  
5 routinely ignored.” *Id.* Where a policy is haphazardly enforced, the government  
6 cannot claim it has limited the public forum in any meaningful and consistent way.  
7 And third, courts take into account “the nature of the government property at issue”  
8 – for example, “[i]f the property is ‘designed for and dedicated to expressive  
9 activities’ courts will more readily infer the intent to create a designated public  
10 forum.” *Id.* (quoting *Cornelius*, 473 U.S. at 802) (internal citations omitted).

11 Here, SCSO does not require individuals to obtain permission prior to  
12 engaging in speech on the official page. Individuals may interact with the page  
13 without first clearing any “speaker-based” or “subject-matter limitations.” *Id.*  
14 “[W]hile there are rules for comments after they have been made, they do not  
15 constrain the public’s initial access. This fact is important because prior approval  
16 weighs in favor of a limited forum—a fact absent here.” *Kimsey*, 574 F. Supp. 3d at  
17 920 (W.D. Wash. 2021) (relying on *Perry*, 460 U.S. at 47 and *Lehman v. City of*  
18 *Shaker Heights*, 418 U.S. 298, 302-04, 94 S. Ct. 2714, 41 L. Ed. 2d 770) (finding a  
19 city’s official Facebook page to be a designated public forum).

20 More importantly, Defendants give themselves broad discretion to remove  
21 any comments they view to be “inconsistent” with policy, rendering the list of  
22 prohibited content limitless and allowing Defendants to hide public comments  
23 haphazardly at best and discriminately at worst. “[T]he [s]tandards for inclusion and

1 exclusion for a limited public forum must be unambiguous and definite; without  
 2 objective standards, government officials may use their discretion . . . as a pretext  
 3 for censorship.” *Garnier v. O’Connor-Ratcliff*, 41 F.4th 1158, 1178 (9th Cir. 2022)  
 4 (internal citations and quotations omitted), *vacated and remanded on other grounds*,  
 5 *O’Connor-Ratcliff v. Garnier*, \_\_ U.S. \_\_, 144 S. Ct. 717, 717 (2024). No reading of  
 6 the Disclaimer can justify Defendants’ actions nor have they offered any justification  
 7 for repeatedly censoring Mr. Leighty. “[P]rospective, categorical, subject-matter  
 8 rules by which [Defendants] evaluate private speech” are required in a limited public  
 9 forum to provide “public notice of what speech is permissible and constrain[] the  
 10 discretion of government actors to pick favorites on an ad hoc basis.” *Archdiocese*  
 11 *of Wash. v. Wash. Metro. Area Transit Auth.*, 897 F.3d 314, 337 (9th Cir. 2018).  
 12 Defendants’ “abstract policy statement purporting to restrict access to a forum is not  
 13 enough” to establish a limited public forum. *Hopper v. City of Pasco*, 241 F.3d 1067,  
 14 1075 (9th Cir. 2001).

15 The Spokane County Sheriff’s Office created an official government page on  
 16 Facebook, a platform “designed for individuals to share information and express  
 17 ideas.” *Kimsey*, 574 F. Supp. 3d at 920 (W.D. Wash. 2021). By creating the official  
 18 Facebook page and enabling comments, the Sheriff’s Office intended to create an  
 19 open forum for public discourse.

20 3. Defendants’ policy and practice of deleting or hiding Facebook  
 21 comments that criticize the SCSO is unconstitutional.

22 As set forth above, Mr. Leighty’s comments on the Sheriff’s Office Facebook  
 23 page “fall within the broad category of public debate on matters of local importance

1 protected under the First Amendment.” *Id.*, at 918. Defendants repeatedly removed  
 2 Mr. Leighty’s comments from public view, while leaving for public view other  
 3 comments praising the Sheriff’s Office.

4 a. *Defendants cannot survive strict scrutiny.*

5 Defendants must justify their restrictions in a designated public forum as  
 6 “narrowly drawn to achieve a compelling state interest.” *Int’l Soc. for Krishna*  
 7 *Consciousness, Inc.*, 505 U.S. at 678. Defendants have not provided any reason for  
 8 hiding Mr. Leighty’s comments. Any attempted *post hoc* justification of this  
 9 suppression of protected speech is unlikely to satisfy Defendants’ “extraordinarily  
 10 heavy burden” to show a compelling government interest furthered by such action.  
 11 *A.C.L.U. of Nevada v. City of Las Vegas*, 466 F.3d 784, 791 (9th Cir. 2006). Nor  
 12 can Defendants show that hiding full comments is “narrowly tailored.” It is raw  
 13 censorship, not careful restriction.

14 b. *Even in a limited public forum, Defendants’ viewpoint-based*  
 15 *censorship violates the First Amendment.*

16 In a limited public forum, “the State may reserve the forum for its intended  
 17 purposes, communicative or otherwise, as long as the regulation on speech is  
 18 reasonable and not an effort to suppress expression merely because public officials  
 19 oppose the speaker’s view.” *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460  
 20 U.S. 37, 46 (1983). The government may not regulate speech based on its substantive  
 21 content or the message it conveys,” and is forbidden from engaging in viewpoint  
 22 discrimination “even when the . . . limited public forum is one of its own creation.”  
 23 *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995).

Defendants repeatedly hid comments written by Mr. Leighty that criticized or questioned the SCSO, while leaving for public view comments expressing neutrality or support for the Office and/or its actions. Moreover, SCSO's discriminatory animus is evident in its public endorsement of supportive comments – by applying the “thumbs up” emoticon -- and its derogatory references to commenters who criticize law enforcement. SCSO's viewpoint-based silencing of protected speech is unconstitutional regardless of whether the Sheriff's Office has created a limited or designated public forum.

Furthermore, Defendants' overbroad prohibitions are unreasonable because they leave unclear what speech is swept in. “It is self-evident that an indeterminate prohibition carries with it the opportunity for abuse.” *Minn. Voters All. v. Mansky*, 585 U.S. 1, 21, (2018). Although some discretion is permitted, “discretion must be guided by objective, workable standards.” *Id.* Without such guided discretion, Defendants' own biases may shape what they view as speech prohibited by their policy. An amorphous standard is “inherently unreasonable.” *People for the Ethical Treatment of Animals v. Gittens*, 215 F. Supp. 2d 120, 131 (D.D.C. 2002).

**C. Defendants' censorship of Mr. Leighty's protected speech is causing him continuing and ongoing irreparable harm.**

To this day, Defendants are depriving Mr. Leighty of his First Amendment rights. “Unlike monetary injuries, constitutional violations cannot be adequately remedied through damages and therefore generally constitute irreparable harm.” *Nelson v. National Aeronautics and Space Admin.*, 530 F.3d 865, 882 (9th Cir. 2008), *rev'd and remanded on other grounds*, 562 U.S. 134 (2011).

Here, Defendants continue to inflict irreparable harm on Mr. Leighty through discriminatory implementation of their policy. Defendants' actions prevent Mr. Leighty from exercising his First Amendment right to engage in protected speech in a designated public forum. Suppression of protected speech, even for brief periods of time, constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Cuiello v. City of Vallejo*, 944 F.3d 816, 833 (9<sup>th</sup> Cir. 2019) ("Where ... First Amendment rights are being chilled daily, the need for immediate injunctive relief without further delay is ... a direct corollary of the matter's great importance.").

**D. The Balance of Hardships Favors Plaintiff.**

Here, the irreparable harm caused by SCSO is concrete and ongoing. Mr. Leighty continues to suffer deprivation of his constitutional rights because SCSO has removed his comments from the public discourse. Potential hardship or harm to Defendants is nonexistent. No great cost or time expenditure is required to restore Mr. Leighty's comments on the SCSO Facebook page. And no great cost or time expenditure will befall Defendants if they must refrain from enforcing their policy. The balance of hardships strongly favors Plaintiff.

**E. The Public Interest Favors Free Expression.**

"Courts considering requests for preliminary injunctions have consistently recognized the significant public interest in upholding First Amendment principles." *Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 974 (9<sup>th</sup> Cir. 2002). Courts "have also consistently recognized the significant public interest in upholding free speech principles as the ongoing enforcement of the potentially unconstitutional regulations . . . would infringe not only the free expression interests of [plaintiff],

1 but also the interests of other people subjected to the same restrictions.” *Klein v. City*  
 2 *of San Clemente*, 584 F.3d 1196, 1208 (9th Cir. 2009).

3 The public has an important interest in protecting free expression. At the very  
 4 heart of the First Amendment is the ability of the people to debate political topics  
 5 and exchange information on important issues of public concern, as Mr. Leighty  
 6 does. To curtail Defendants’ suppression if Mr. Leighty’s protected speech serves  
 7 the public interest because “no public good would be served if public officials were  
 8 accessible over social media but only to some...” *Lewis v. Jones*, 440 F. Supp. 3d  
 9 1123, 1138 (E.D. Cal. 2020).

10 The public interest weighs strongly in favor of an order enjoining Defendants  
 11 from enforcing their Terms of Use policy in a discriminatory manner to quash free  
 12 expression and political speech.

#### 13 **F. Plaintiffs seek a Waiver of the Bond Requirement.**

14 Because Defendants will suffer no conceivable harm from the entry of a  
 15 preliminary injunction, Plaintiff respectfully requests that the Court waive the  
 16 requirement to post a security bond during the pendency of the litigation.

### 17 **IV. CONCLUSION**

18 “[I]f the First Amendment means anything, it means the best response to  
 19 disfavored speech on matters of public concern is more speech, not less.” *Knight*  
 20 *First Amendment Inst. at Columbia Univ. v. Trump*, 928 F.3d 226, 240 (2d Cir.  
 21 2019). Defendants did exactly the opposite, responding to Mr. Leighty’s protected  
 22 speech by removing his comments from public view. The Spokane County Sheriff  
 23 and his office need a compelling interest to justify such a harsh response. Here, there



1 is none. Defendant's policy and practice of suppressing and censoring disfavored  
2 speech is unconstitutional.

3 Plaintiff respectfully requests a preliminary injunction requiring Defendants  
4 to return his hidden or deleted comments to public view, and enjoining Defendants  
5 from removing disfavored comments from their official Facebook page.

6  
7 DATED this 16th day of May, 2024.

8  
9 MacDONALD HOAGUE & BAYLESS

10  
11 By: /s/Joseph Shaeffer  
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22  
23

**CERTIFICATE OF SERVICE**

I certify that on the date noted below I electronically filed this document entitled **Plaintiff's Motion for Preliminary Injunction** with the Clerk of the Court using the CM/ECF system.

DATED this 16th day of May, 2024, at Seattle, Washington.

/s/Olivia Doolan

Olivia Doolan, Legal Assistant